

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

AMAZON.COM, INC. and AMAZON  
DATA SERVICES, INC.,

Plaintiffs,

v.

WDC HOLDINGS LLC dba NORTHSTAR  
COMMERCIAL PARTNERS; BRIAN  
WATSON; STERLING NCP FF, LLC;  
MANASSAS NCP FF, LLC; NSIPI  
ADMINISTRATIVE MANAGER; NOVA  
WPC LLC; WHITE PEAKS CAPITAL LLC;  
VILLANOVA TRUST; CARLETON  
NELSON; CASEY KIRSCHNER;  
ALLCORE DEVELOPMENT LLC;  
FINBRIT HOLDINGS LLC; CHESHIRE  
VENTURES LLC; 2010 IRREVOCABLE  
TRUST; SIGMA REGENERATIVE  
SOLUTIONS LLC; CTBSRM, INC.;  
RODNEY ATHERTON; DEMETRIUS VON  
LACEY; RENRETS LLC,

Defendants.

CASE NO. 1:20-CV-484-RDA-TCB

800 HOYT LLC,

Intervening Interpleader  
Plaintiff / Intervening  
Interpleader Counter-  
Defendant,

v.

BRIAN WATSON; WDC HOLDINGS, LLC;  
BW HOLDINGS, LLC,

Interpleader Defendants,

and

AMAZON.COM, INC., and AMAZON  
DATA SERVICES, INC.,

Interpleader Defendants /  
Interpleader Counter-Plaintiffs.

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE  
UNDER SEAL CERTAIN DOCUMENTS IN SUPPORT OF PLAINTIFFS' RESPONSE  
TO DEFENDANT NELSON'S MOTION TO STRIKE**

In accordance with the Agreed Protective Order in this case (Dkt. 55), Plaintiffs Amazon.com, Inc. and Amazon Data Services, Inc. respectfully seek leave to file under seal the unredacted version of their Response to Defendant Carleton Nelson’s Motion to Strike (“Response”), the unredacted version of the Declaration of David Casazza in support thereof (“Casazza Declaration”), and Exhibits 2, 3, and 7 attached thereto.

Plaintiffs’ Response contains minor redactions, and the redacted material is entirely drawn from the aforementioned Exhibits. Exhibit 3 contains transcript excerpts from the deposition of Defendant Brian Watson, which occurred on August 16, 2022. Exhibit 2 is an exhibit to the deposition. The Agreed Protective Order in this case requires all deposition transcripts to be designated as “Highly Confidential – Outside Attorneys’ Eyes Only” until ten (10) days has passed from receipt of the deposition transcript. Plaintiffs have designated Exhibit 3 as such because the parties received the transcript of this deposition within the time frame outlined in the Agreed Protective Order. And Plaintiffs have filed Exhibit 2 under seal accordingly. Exhibit 7 is an October 12, 2018 executed letter between Ergo Law, on the one hand, and Casey Kirschner, Carleton Nelson, CBTSRM, Inc., AllCore Development LLC, and the 2010 Trust, on the other hand, which has been designated as confidential pursuant to the Agreed Protective Order. The Casazza Declaration contains references and descriptions of the redacted material drawn from the aforementioned Exhibits.

Although “the common law and the First Amendment presume a public right of access to court documents,” *Malon v. Franklin Financial Corp.*, No. 3:14CV671, 2014 WL 12768782, at \*2 (E.D. Va. Dec. 4, 2014) (citing *Stone v. Univ. Md. Med. Sys. Corp.*, 855 F.2d 178, 180 (4th Cir. 1988)), “the Fourth Circuit has nonetheless stated that a district court ‘may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests,’” *id.* (quoting *In*

*re Knight Publ'g Co.*, 743 F.2d 231, 235 (4th Cir. 1984)). In determining whether to grant a motion to seal, the district court must engage with three requirements articulated by the Fourth Circuit in *Ashcraft v. Conoco, Inc.*: “[I]t must (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” 218 F.3d 288, 302 (4th Cir. 2000).

Plaintiffs’ request to seal the unredacted version of their Response, the unredacted version of the Casazza Declaration, and Exhibits 2, 3, and 7 attached thereto satisfies all three *Ashcraft* factors. Regarding the first factor, the public will have adequate notice of Plaintiffs’ request to seal, through the instant motion and notice of motion to seal as required by Local Civil Rule 5. As to the second and third *Ashcraft* factors, sealing is appropriate, and no less drastic alternatives to sealing exist. The material is not publicly available, and it contains confidential employment information and deposition material that the Court has recognized should remain under seal. Dkt. 55. Plaintiffs therefore respectfully request that the Court grant this motion. *See, e.g., Mars, Inc. v. J.M. Smucker Co.*, 2017 WL 11499735 (E.D. Va. Aug. 9, 2017) (granting motion to seal where “the information sought to be filed under seal may contain data and information that [were] designated as ‘Confidential,’ . . . under the Amended Protective Order governing th[e] case”); *Malon*, 2014 WL 12768782, at \*3 (granting motion to seal where documents were marked “confidential” pursuant to a protective order).

Dated: September 2, 2022

Respectfully submitted,

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*Counsel for Plaintiffs Amazon.com, Inc. and Amazon Data Services, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 2, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I will then send the document and a notification of such filing (NEF) to the following parties via U.S. mail to their last-known address and by email, where noted:

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2010 Irrevocable Trust  
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Sigma Regenerative Solutions, LLC  
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s/ Michael R. Dziuban

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